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PTO/SB/21 (04-07)
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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

| | |
|---|---|
| Application Number | 10/561,448-Conf. #8178 |
| Filing Date | December 20, 2005 |
| First Named Inventor | Shimon Weiss |
| Art Unit | 2877 |
| Examiner Name | Not Yet Assigned |
| Attorney Docket Number | 58086-226455 |

## ENCLOSURES (*Check all that apply*)

- [x] **Fee Transmittal Form**
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [x] **Second Information Disclosure Statement with Form PTO/SB/08 and 76 documents**
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
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- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
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- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|---|---|---|---|
| Firm Name | VENABLE LLP | | |
| Signature | Henry J. Daley | | |
| Printed name | Henry J. Daley | | |
| Date | May 30, 2007 | Reg. No. | 42,459 |

DC2/858207

Docket No.: 58086-226455
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Shimon Weiss et al.

Art Unit: 2877

Application No: 10/561,448

Examiner: Not Yet Assigned

Confirmation No: 8178

Filed: December 20, 2005

Atty. Docket No: 58086-226455

For: MODULATED EXCITATION FLUORESCENCE ANALYSIS

Customer No:
26694
PATENT TRADEMARK OFFICE

## SECOND INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear any patent to issue therefrom. Copies of Documents **CA-CY**, **CA1-CU2** and **CW2-CZ2** are enclosed.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Second Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Second Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Second Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 58086-226455. A fee transmittal is enclosed.

Dated: May 30, 2007

Respectfully submitted,

By /Henry J. Daley/
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 5

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**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Document Number Number-Kind Code[2] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | AA | US-6,200,818 | 3/13/2001 | Eigen et al. | |
| | AB | US-5,933,233 | 8/3/1999 | Gunther | |
| | AC | US-5,807,677 | 9/15/1998 | Eigen et al. | |
| | AD | US-6,498,017 | 12/24/2002 | Riesner et al. | |
| | AE | US-6,556,296 | 4/29/2003 | Palo | |
| | AF | US-6,376,843 | 4/23/2002 | Palo | |
| | AG | US-6,515,289 | 2/4/2003 | Kask | |
| | AH | US-6,407,856 | 6/18/2002 | Kask et al. | |
| | AI | US-6,122,098 | 9/19/2000 | Kask et al. | |
| | AJ | US-6,208,815 | 3/27/2001 | Seidel et al. | |
| | AK | US-6,137,584 | 10/24/2000 | Seidel | |
| | AL | US-6,140,048 | 10/31/2000 | Muller et al. | |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T[6] |
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**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T[2] |
|---|---|---|---|
| | CA | Adams, S.R., et al., New Biarsenical Ligands and Tetracysteine Motifs for Protein Labeling in Vitro and in Vivo: Synthesis and Biological Applications. J. Am. Chem. Soc., 2002. 124(21): p. 6063-6076. | |
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| | CD | Bruchez, M., Jr., Moronne, M., Gin, P., Weiss, S. and Alivisatos, A.P. (1998) Science 281, 2013-6. | |
| | CE | Chen, Y., Müller, J.D., So, P.T. and Gratton, E. (1999) Biophysical Journal 77, 553-67. | |
| | CF | Chen, Y., Müller, J.D., Tetin, S.Y., Tyner, J.D. and Gratton, E. (2000) Biophysical | |



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| Examiner Name | Not Yet Assigned |
| Attorney Docket Number | 58086-226455 |

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| | CL | Eggeling, C., Fries, J.R., Brand, L., Günther, R and Seidel, C.A. (1998) Proceedings of the National Academy of Sciences of the United States of America 95, 1556-61. | |
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Sheet 3 of 5

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|---|---|
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| First Named Inventor | Shimon Weiss |
| Art Unit | 2877 |
| Examiner Name | Not Yet Assigned |
| Attorney Docket Number | 58086-226455 |

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|---|---|---|---|
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| | | MECHANISM OF ACTIVATION. J. Biol. Chem., 1996. 271(51): p. 32707-32713. | |
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| | CZ2 | Zhuang, X., Kim, H., Pereira, M.J., Babcock, H.P., Walter, N.G. and Chu, S. (2002) Science 296, 1473-6. | |

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